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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,569	11/26/2003	Wolfgang Beigang	GKNG 1184 PUS	9113

7590 11/10/2005

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EXAMINER	
NGUYEN, XUAN LAN T	
ART UNIT	**PAPER NUMBER**
3683	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,569	BEIGANG, WOLFGANG	
	Examiner	Art Unit	
	Lan Nguyen	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 18-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 18-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 August 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *approved drawings*.

DETAILED ACTION

Drawings

1. The drawings of figures 6-8, submitted 8/5/05, have been approved.

Specification

2. The amendments to the specification have been approved.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amended portion of the first distance comparing to the second distance is confusing because these distances are from different ends but there are no references of where these distances are being measured to. Perhaps, a length or location of the supporting elements should be defined to give references to these distances. This amended portion is not further treated since it is unclear what distances, where they are located and how they are related to the supporting elements are being claimed.

5. Claim 39 is improper because claim 22 has specifically claimed the supporting elements to be extending along a portion of the mass member while claim 39 claims

the supporting elements to be completely outside of the mass member. Claim 39 is not further treated.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-13, 18-20, 22-37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoda (JP 2-221731) in view of Gallmeyer et al (USP 5,660,256).

Re: claim 1, Yokoda shows in figure 1, a vibration absorber for attaching to a rotatable driveshaft, as in the present invention, comprising: an annular-cylindrical mass member 4 arranged at a radial distance from the driveshaft 1; an elastic supporting element 2 shaped to be positioned on the driveshaft, which is firmly connected to the mass member 4 and extending radially inwardly toward the driveshaft from the mass member; and an elastic fixing sleeve 3 shaped to be positioned on the driveshaft and at one end connected to the mass member 4, wherein the supporting element 2, in the axial direction, extend along only a portion of the length of the mass member 4, and is arranged at an axial distance from an end of the mass member 4 opposite the fixing sleeve 3 as shown in figure 1. Yokoda's supporting element 2 lacks a plurality of circumferentially spaced elastic support elements. Gallmeyer et al. teach the concept of a plurality of circumferentially spaced elastic support elements 20 for a damper 10 in

figure 1 in order to reduce the weight of the damper at the same time providing a customized design for a certain vibration dampening needs to dampen out a certain frequency in column 2, lines 33-41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Yokoda's vibration absorber with a plurality of circumferentially spaced elastic support elements for a damper as taught by Gallmeyer in order to reduce the weight of the damper at the same time providing a customized design for a certain vibration dampening needs to dampen out a certain frequency in column 2, lines 33-41 of Gallmeyer.

Re: claim 2, figure 1 of Yokoda shows the sleeve 3 as claimed.

Re: claim 3, figure 1 of Yokoda shows the seat face facing the shaft 1 and the collar portion as claimed.

Re: claim 4, figure 1 of Yokoda shows an annular elastic member, coating 5. As modified, the support elements would be connected with one another by the coating 5.

Re: claims 5 and 6, figure 1 of Yokoda shows the supporting member 2, the fixing sleeve 3 and the mass member 4 are integrally connected.

Re: claims 7 and 8, Yokoda states that the mass member is made of metal tubing in the last paragraph on page 7 bridging to page 8.

Re: claims 9 and 10, figure 1 of Yokoda shows the sleeve 3 as claimed.

Re: claims 11 and 12, Yokoda's vibration absorber, as rejected in claim 9, lacks the sleeve portion of a constant thickness and of a thickness that increases from the mass member to the collar portion. These are considered design choices depending on the each application of vibration dampening. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to have modified the vibration absorber of Yokoda to include a sleeve portion comprising one of a constant thickness and of a thickness that increases from the mass member to the collar portion in order to satisfy a certain design requirement. This is further evidenced from Applicant's disclosure in paragraph [0013] that the wall thicknesses are obvious alternative designs for the sleeve portion.

Re: claim 13, figure 1 of Yokoda shows a groove to receive clamp band 7.

Re: claims 18 and 19, figure 1 of Gallmeyer shows supporting elements 20 comprise identical cross-sectional shapes and uniformly distributed as claimed.

Re: claim 20, Yokoda shows in the last paragraph on page 7 that the supporting element 2 and sleeve 3 are made of rubber.

Re: claim 22, Yokoda shows in figure 6, a vibration absorber for attaching to a rotatable driveshaft, as in the present invention, comprising: an annular-cylindrical mass member 24 arranged at a radial distance from the driveshaft 1; an elastic supporting element 22 shaped to be positioned on the driveshaft, which is firmly connected to the mass member 24 and extending radially inwardly toward the driveshaft from the mass member; and one elastic fixing sleeve 23 only shaped to be positioned on the driveshaft and at one end connected to the mass member 24, wherein the supporting element 22, in the axial direction, extend along only a portion of the length of the mass member 24 as shown in figure 6, wherein the supporting element 22 is connected to the mass member 24 axially opposite the fixing sleeve 23 as shown in figure 6; and wherein the supporting element 22 is arranged at least partially axially outside the length of the

mass member 14 and adjoining an end of the mass member, as shown in figure 6. Yokoda's supporting element 22 lacks a plurality of circumferentially spaced elastic support elements. Gallmeyer et al. teach the concept of a plurality of circumferentially spaced elastic support elements 20 for a damper 10 in figure 1 in order to reduce the weight of the damper at the same time providing a customized design for a certain vibration dampening needs to dampen out a certain frequency in column 2, lines 33-41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Yokoda's vibration absorber with a plurality of circumferentially spaced elastic support elements for a damper as taught by Gallmeyer in order to reduce the weight of the damper at the same time providing a customized design for a certain vibration dampening needs to dampen out a certain frequency in column 2, lines 33-41 of Gallmeyer.

Re: claims 23 and 24, Yokoda shows in figure 4 the sleeve 13 as claimed.

Re: claim 25, figure 1 of Yokoda shows an annular elastic member, coating 5. As modified, the support elements would be connected with one another by coating 5.

Re: claims 26 and 27, figure 1 of Yokoda shows the supporting member 2, the fixing sleeve 3 and the mass member 4 are integrally connected.

Re: claims 28 and 29, Yokoda states that the mass member is made of metal tubing in the last paragraph on page 7 bridging to page 8.

Re: claims 30 and 31, figure 1 of Yokoda shows the sleeve 3 as claimed.

Re: claims 32 and 33, Yokoda's vibration absorber, as rejected in claim 30, lacks the sleeve portion of a constant thickness and of a thickness that increases from the

mass member to the collar portion. These are considered design choices depending on the each application of vibration dampening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vibration absorber of Yokoda to include a sleeve portion comprising one of a constant thickness and of a thickness that increases from the mass member to the collar portion in order to satisfy a certain design requirement. This is further evidenced from Applicant's disclosure in paragraph [0013] that the wall thicknesses are obvious alternative designs for the sleeve portion.

Re: claim 34, figure 1 of Yokoda shows a groove to receive clamp band 7.

Re: claims 35 and 36, figure 1 of Gallmeyer shows supporting elements 20 comprise identical cross-sectional shapes and uniformly distributed as claimed.

Re: claim 37, Yokoda shows in the last paragraph on page 7 that the supporting element 2 and sleeve 3 are made of rubber.

Re: claim 40, figure 6 of Yokoda shows supporting element 22 being arranged partially axially outside and partially axially inside the length of the mass member 24.

8. Claims 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoda (JP 2-221731) in view of Gallmeyer et al (USP 5,660,256) and further in view of Kogyo (JP- 08177976 A).

Re: claims 21 and 38, Yokoda's vibration absorber, as rejected in claims 1 and 22 respectively, lacks the openings formed in the sleeve portion. Kogyo teaches a concept of having openings in the sleeve portion 3(3a) as shown in figures 1 and 2 in order to provide a wide range of dampening. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to have further modified Yokoda's absorber with openings in the sleeve portion as taught by Kogyo in order to further providing a wider range of dampening as taught by Kogyo in the Abstract.

Response to Arguments

9. Applicant's arguments filed 8/5/05 have been fully considered.

- Applicant's argument regarding the rejections under 112, 1st paragraph and 112, 2nd paragraph have been found persuasive. The rejections have been withdrawn. The new drawings of figures 6-8 and the amendments to the specification have been approved.
- Applicant's argument regarding the rejections based on Yokoda (JP 2-221731) in view of Gallmeyer et al. has been found non-persuasive. Applicant argues that the motivation to combine is not obvious to one of ordinary skill in the art. As stated above, the motivation to combine is clearly taught by Gallmeyer in column 2, lines 33-41.
- Applicant further argues that Figure 4 of Yokoda shows two fixing sleeves. Figure 4 is no longer being cited in the rejections above. Figure 6 is now being cited. For the sake of argument, claim 22 does not exclude clamp bands. Hence, the fixing sleeve of Yokoda in figure 6 meets the claimed limitations of claim 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
Art Unit 3683

Lan Nguyen 11/7/05

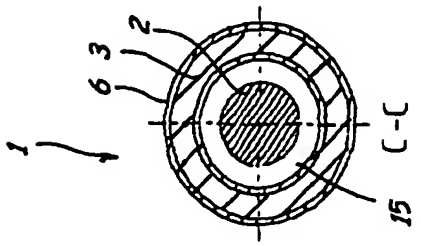

FIG. 8

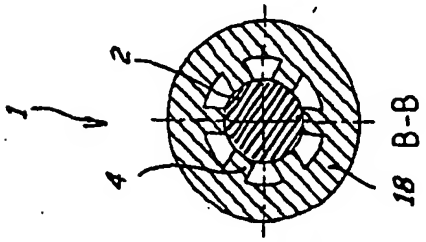

FIG. 7

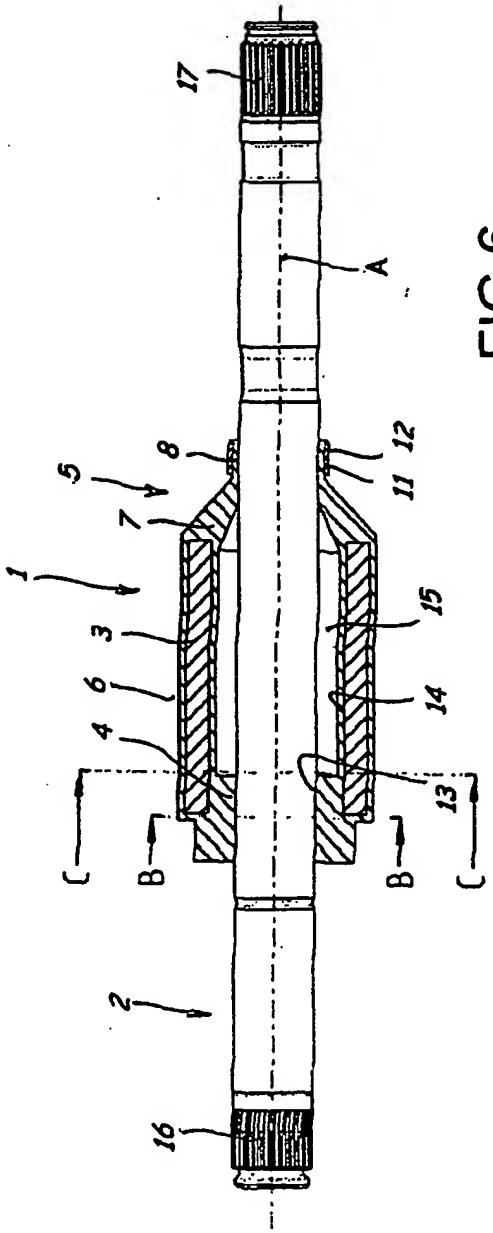

FIG. 6

approved
XLN 11/7/05